

REMARKS

FIG.4a has been amended to clarify the invention and conform to the text in the specification. Items 52, 54a, 57, 58 and 61 were added. Item 54 was deleted on the right hand side and item 54a was added. No new matter has been added.

Paragraphs 33 and 34 have been amended to clarify the invention and to conform the text to FIG. 3b and amended FIG. 4a. No new matter has been added.

Claims 1, 4, 6, 7, 11- 20 have been amended. Claims 1 – 20 are currently pending in the application. The basis for the above claim amendments may be found throughout the specification, drawings and claims. The Examiner is respectfully requested to reconsider and withdraw the objections and rejections in view of the amendments and remarks contained herein.

I. Claim Rejections Under 35 U.S.C. Section 112

Claims 6 and 11-20 stand rejected under 35 U.S.C. Section 112, second paragraph as being indefinite. The applicant traverses these rejections in view of claims now pending in the application.

Claim 6 has been amended to depend on claim 1 and claim 11 has been amended to provide sufficient antecedent basis for the limitation “the slot”. Claims 15 and 17 were amended to clarify the invention to overcome the examiner’s rejections that the claims are structural with limitations directed towards the method of positioning the drive nut in relation to the first and second links. The applicant notes that MPEP Section 2173.05(g) permits one to define a particular purpose of the recited element in functional terms to define a purpose or capability served by the recited element in the claim or a step. In the present application, the particular purpose served by all the recited elements in the claims is defined functionally by the applicant, thus is permissible under MPEP Section 2173.05(g). There is support for these features in the specification, drawings and claims as originally filed.

Claim 18 was amended to clarify the invention to avoid the examiners rejection. There is support for this feature in the specification.

In view of these actions and comments, the Examiner is requested to withdraw these rejections to Claims 6, and 11-20.

II. Claim Rejections Under 35 U.S.C. Section 102

Claims 11-14 and 17 stand rejected under 35 U.S.C. 102 (b) as being anticipated by Siegrist. The applicant respectfully traverses this rejection in view of the amended claims now pending in the application.

Siegrist in the first of two independent claims, claim 1 requires two plates with “plates with a key hole slot in each plate.... each of said slots having a straight sided portion extending inwardly from said end of said plates” and a drive nut “to pass through the straight sided portion of the slots”. In the other of the two independent claims, claim 3 requires “each plate having a key hole slot extending into said plates” and “each slot having a straight sided portion extending inwardly from said ends of said plates” and a drive nut with lugs “whereby said lugs pass through said slots by aligning the flattened sides of said lugs with the straight sided portion of said slots”.

Applicant’s claim 11 does not have keyhole slots in each plate. Also, claim 11 does not have straight sided portions in both slots nor does claim 11 have a drive nut whereby each of the lugs passes “through the straight sided portion of said slots...” Applicant does not have keyhole slots in each plate nor does he have a drive nut that passes through the straight side portion of said sides or a drive nut that has lugs that pass through the slots in each of the plates. Additionally, Siegrist must rotate the drive nut to engage both slots whereas the applicant engages the enclosed aperture before rotating the drive nut to engage the slot in one of the pair of spaced apart links. Therefore, Siegrist cannot anticipate the applicant’s invention as claimed in amended claim 11

The examiner also rejected apparatus claims 11-14 because the claims limitations are functional limitations, which the examiner characterizes as toward the method of operating the drive nut in relation to the first and second link. The applicant respectfully traverses this rejection.

Amended claims 11-14 are apparatus claims with functional language to explain the purpose of certain features of the elements. As such they are permissible under MPEP 2173.05(g) as discussed previously because the limitations provide an explanation

and interaction of the various features of the elements to form the combination as claimed.

In view of the above, the examiner is requested to withdraw these rejections of claims 11-14.

The examiner also rejected claim 17 because it is directed to the structure of a linkage assembly and the method limitations are to be given no patentable significance. The applicant respectfully traverses this rejection.

Amended independent claim 17 is directed to an apparatus claim which now recites “means for engaging the first and second members with the drive nut so that when the one end is inserted into the first aperture and while a portion of the one end is disposed in the first aperture, the other end is moved laterally and inserted into the second aperture”, which that is consistent with 35 USC 112 paragraph 6. This limitation avoids the examiners rejection and is distinct from Siegrist because the language sets forth the lateral movement of the other end of the drive nut to lock the other end into the second aperture and by statute covers the corresponding structure. Siegrist clearly shows the progression of the lugs perpendicular to the straight slots in FIG. 3 to FIG. 4 along the longitudinal axis of the drive nut. Siegrist inserts both lugs into the pair of slots along the longitudinal axis of the drive nut without any lateral movement. Thus, Siegrist engages both links along the longitudinal path of the drive nut and does not move the drive nut laterally to engage the second aperture as claimed by the applicant’s invention.

In view of this, Siegrist cannot anticipate amended claim 17 and withdrawal of this rejection is respectfully requested.

III. Claim Rejections Under 35 USC Section 103

Claims 1 – 10, 15, 16 and 18-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Siegrist et. al. in view of Frohnhaus et al. The applicant’s attorney respectfully traverses these rejections in view of the claims now pending in the application.

Siegrist shows a linkage assembly having a pair of links, each with a slot having an arcuate portion and a pair of opposing straight-sided portions in communication with

the arcuate portion. Siegrist does not show an enclosed aperture. Frohnhaus discloses a seat frame with an adjustable arm that is supported on one end by a bore for a bearing 30. The Examiner applies item 30 for one of Siegrist's slots in the link to arrive at the applicant's invention as claimed.

Amended independent claim 1 teaches a drive nut with one projection inserted into a slot in the link and while the one projection remains in the slot, the other projection is moved laterally relative to the slot to insert the another of the pair projections into the enclosed aperture. The lateral movement of the another of the pair of projections to engage the enclosed aperture is not taught by Siegrist and combining the drive nut and one of the slot links of Siegrist with the aperture of Frohnhaus does not result in the applicant's invention as claimed. Nowhere does Siegrist nor Frohnhaus suggest, teach or infer moving the drive nut laterally to engage the links. While Siegrist recognizes the need for lateral movement between the plates for self alignment purposes to prevent binding, he does not use lateral movement of the drive nut for assembly purposes since he assembles the drive nut to the links along the longitudinal axis of the drive nut. Even assuming arguendo that an enclosed aperture of Frohnhaus is used instead of one of the slots, the combination would not work because the movement of the projections perpendicularly to the links would not permit engagement of the enclosed aperture without some lateral movement. The use of lateral movement during assembly to engage the enclosed aperture is not taught, disclosed or inferred, by Siegrist or Frohnhaus. Absent the teachings of applicant's invention, namely of moving one of the projections to engage the slot and then moving the other projections laterally to engage the enclosed aperture while the one projection continues to engage the slot, the examiner's reconstruction of the prior art would not work. Siegrist does not recognize the need for lateral movement in the context of assembly of the drive nut to the links but only for self-alignment purposes to prevent binding of the drive screw (Col.3, lines 28-36). Therefore, the examiner is requested to withdraw this rejection to Claim 1.

Independent amended claim 11 is a method claim that inserts one lateral projection end into a slot opening, positioning the another lateral projection end in an adjacent but spaced away position relative to the enclosed aperture while the one lateral projection end remains disposed in the slot opening, and moving the another projection

end along the transverse axis to capture the another projection end into the enclosed aperture while the one lateral projection end remains in disposed in the slot opening. Absent the teachings of applicant's invention, the examiner's reconstruction of the prior art would not work as discussed above. Therefore, the examiner is requested to withdraw this rejection to claim 11.

Independent amended claim 15 defines the first and second link as being spaced apart by a first width; the drive nut as having a second width; the drive nut having one of the pair of projections extending oppositely from the drive nut by a third width. The second width and the third width is less than the first width so that the one of the pair of projections is moved into the slot while the drive nut and another projection are disposed between the first and second link, then other of the pair of projections is moved laterally into the aperture in the first link while the one of the pair of projections remains in the slot. Nowhere is there any suggestion in either Siegrist or Frohnhaus individually or in combination for such structure and neither suggests, infers or teaches such structure. While Siegrist does recognize that once the drive nut is secured in the slots some lateral movement will occur, this is done for self alignment purposes to prevent binding of the drive screw (Col. 3, line 28 thru 36) and not to assemble the drive nut to the links.

Independent amended claim 17 has means for engaging the first and second members with the drive nut with lateral movement as discussed above. No such features are found in Siegrist or Frohnhaus either taken individually or in combination.

Furthermore, contrary to the position taken by the Examiner, these features are NOT mere design variables but features that are taught by the applicant's specification, drawings and claims to reduce noise when the linkage assembly is actuated. Therefore, Claims 1, 11, 15 and 17 are patentably distinguishable over Siegrist or Frohnhaus either taken individually or in combination.

In view of the above, Applicant submits that independent Claims 1, 11, 15 and 17 are not made obvious by the disclosure of Siegrist in view of Frohnhaus either taken individually or in combination. Applicant respectfully requests the Examiner to reconsider and withdraw the 35 U.S.C. §103(a) rejection of independent Claims 1, 11, 15 and 17 along with their dependent claims, namely claims 2 –10 which depend on claim 1, claims 12-14 which depend on claim 11, claim 16 which depends on claim 15 and claims

18-20 which depend on claim 17.

The applicant's attorney has reviewed the prior art of record that was not relied upon and finds that the applicant's invention as claimed is even more far afield from these references.

IV FEES

No additional filing fees are required by the forgoing amendments. In the event that any fees are required in connection with this paper, authorization is hereby provide to charge Deposit Account No. 500865.

CONCLUSION

The applicant has made a good faith effort to respond to the examiner's every objection and rejection. In view of the forgoing amendments and remarks, applicant respectfully submits that all claims pending in the application are in condition for allowance. Allowance of claims 1-20 is respectfully requested at this time.

Should the examiner have any small issues to resolve, he is requested to provoke a telephonic interview to resolve any such issues.

Respectfully submitted,

Date: _____



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IN THE DRAWINGS

Please enter amended FIG.4a, which is attached.